

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
S&S STEEL SERVICES, INC.) Case No. 15-07401-JJG
)
Debtor.) Chapter 7
)
)

**OBJECTION TO APPLICATION FOR ALLOWANCE OF ADMINISTRATIVE
EXPENSE CLAIM FILED BY Z&S SHARP REAL ESTATE, INC.
AND NOTICE OF RESPOND DEADLINE**

Randall L. Woodruff (“Trustee”), Chapter 7 Trustee for the bankruptcy estate of S&S Steel Services, Inc. (“Debtor”), by counsel, hereby objects to the *Application for Allowance of Administrative Expense Claim* (Doc. No. 499) (the “Application”) filed by Z&S Sharp Real Estate, Inc. (“Z&S”) on the following grounds:

1. On October 23, 2017, Z&S filed the Application seeking allowance of an administrative expense and priority claim pursuant to 11 U.S.C. §§ 503(b)(1) and 507(a)(1) in the amount of \$55,000.00 for unpaid rent alleged to be due and owing by the Debtor for the months September 2015 through January 2016.

2. The Trustee objects to the Application on the grounds that the lease expired by its own terms on December 31, 2015, and there has been no writing provided that shows the terms was extended. Accordingly, at a minimum, there does not appear to be a basis for seeking the rent payment for January 2016.

3. The Trustee further objects to the Application because these claims are the subject of ongoing litigation between the Trustee and Z&S. Specifically, the Trustee filed his *Complaint* (the “Complaint”) against *inter alia*, Z&S on January 20, 2017, alleging that Z&S was the recipient of both preferential and fraudulent transfers that have not been repaid to the Trustee.

(See Adv. Proc. No. 17-50043). Pursuant to sections 502(d) of the Bankruptcy Code, the Court “*shall* disallow any claim of any entity from which property is recoverable under section 542, 543, 550, or 553 of this title or that is a transferee of a transfer avoidable under section 522(f), 522(h), 544, 545, 547, 548, 549, or 724(a) of this title, unless such entity or transferee has paid the amount, or turned over any such property for which the transferee is liable.”

4. Therefore, based on the allegations in the Complaint, any claims Z&S might have against the Debtor’s estate shall be disallowed until such time as (i) Z&S turns over to the Trustee any property deemed recoverable pursuant to section 550 of the Bankruptcy Code or otherwise, and/or (ii) Z&S has paid the amount for which it is liable pursuant to section 550 of the Bankruptcy Code or otherwise.

5. Because this had not occurred, the claim set for in the Application should be disallowed.

NOTICE: Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the Court to enter an order affecting your claim, then on or before December 28, 2017, you or your lawyer must file a written response to the objection explaining your position.

Those not permitted to file electronically must deliver any response by U.S. mail, courier, overnight/express mail, or in person at:

116 U.S. Courthouse
46 East Ohio Street
Indianapolis, IN 46204

If you mail your response to the Court, you must mail it early enough so the Court will **receive** it on or before the date stated above. You must also send a copy of your objection to Sarah L. Fowler, Ice Miller LLP, One American Square, Suite 2900, Indianapolis, IN 46282, sarah.fowler@icemiller.com.

If you or your attorney do not take these steps, the Court may decide you do not oppose an order affecting your claim.

Respectfully submitted,

ICE MILLER LLP

By: /s/ Sarah L. Fowler

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Counsel for the Trustee

CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2017, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on November 28, 2017, a copy of the foregoing document was mailed by first-class U.S. Mail, postage prepaid, or via electronic transmission by this office, and properly addressed to the following:

N/A

/s/ Sarah L. Fowler

Sarah L. Fowler